

EXHIBIT I

From: [David Simons](#)
To: [Lauter, Judd](#); [Dunning, Angela L.](#); [Kathleen Hartnett](#); mlemley@lex-lumina.com; [Ghajar, Bobby A.](#); [Ghazarian, Colette A](#)
Cc: [Jesse Panuccio](#); [Poppell, Cole A.](#); [Biksa, Liene](#); [Weinstein, Mark](#); [Stameshkin, Liz](#); [Alvarez, Jessica](#); [Holden Benon](#); [Christopher Young](#); [Aaron Cera](#); [Cadio Zirpoli](#); [Joe Saveri](#); [Margaux Poueymirou](#); [Ashleigh Jensen](#); [Rya Fishman](#); [Matthew Butterick](#); [Nada Djordjevic](#); [James Ulwick](#); [Bryan L. Clobes](#); [Mohammed Rathur](#); [Amy Keller](#); [David Straite](#); [Ruby Ponce](#); [Alexander Sweatman](#); [Heaven Haile](#); [Llama BSF](#); [Josh Schiller](#); [David Boies](#); [Maxwell Pritt](#); [z/Meta-Kadrey](#)
Subject: Kadrey v. Meta - Amended Notice of 30(b)(6) Deposition:
Date: Tuesday, October 8, 2024 5:14:46 PM
Attachments: [2024-10-08 Amended Notice of 30b6 Depo.pdf](#)

Counsel,

Please find attached an amended notice of a 30(b)(6) deposition for Meta Platforms, Inc. We are happy to discuss scheduling at your earliest convenience given Judge Hixson's order regarding the amount of time Plaintiffs will have, which will necessitate multiple deposition days. If you anticipate lodging any objections to the amended notice, please let us know promptly so we can begin the meet and confer process. Thanks.

Best,
David

1 **BOIES SCHILLER FLEXNER LLP**

2 David Boies (*pro hac vice*)
3 David L. Simons (*pro hac vice*)
4 55 Hudson Yards, 20th Floor
5 New York, NY 10001
6 (914) 749-8200
7 dboies@bsfllp.com
8 dsimons@bsfllp.com

9 Maxwell V. Pritt (SBN 253155)
10 Joshua I. Schiller (SBN 330653)
11 Joshua M. Stein (SBN 298856)
12 44 Montgomery Street, 41st Floor
13 San Francisco, CA 94104
14 (415) 293-6800
15 mpritt@bsfllp.com
16 jischiller@bsfllp.com
jstein@bsfllp.com

17 Jesse Panuccio (*pro hac vice*)
18 1401 New York Ave, NW
19 Washington, DC 20005
20 (202) 237-2727
21 jpanuccio@bsfllp.com

2 **JOSEPH SAVERI LAW FIRM, LLP**

3 Joseph R. Saveri (SBN 130064)
4 Cadio Zirpoli (SBN 179108)
5 Christopher K.L. Young (SBN 318371)
Holden Benon (SBN 325847)
Aaron Cera (SBN 351163)
601 California Street, Suite 1505
7 San Francisco, California 94108
8 (415) 500-6800
9 jsaveri@saverilawfirm.com
10 czirpoli@saverilawfirm.com
11 cyoung@saverilawfirm.com
12 hbenon@saverilawfirm.com
13 acera@saverilawfirm.com

14 Matthew Butterick (SBN 250953)
15 1920 Hillhurst Avenue, #406
16 Los Angeles, CA 90027
17 (323) 968-2632
18 mb@buttericklaw.com

19 **CAFFERTY CLOBES MERIWETHER &
SPRENGEL LLP**

20 Bryan L. Clobes (*pro hac vice*)
135 S. LaSalle Street, Suite 3210
21 Chicago, IL 60603
22 (312)-782-4880
23 bclobes@caffertyclobes.com

24 *Counsel for Individual and Representative Plaintiffs
25 and the Proposed Class. Additional Counsel Listed
26 on Signature Page*

27 **UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO VISION**

28 RICHARD KADREY,

Plaintiffs,

v.

META PLATFORMS, INC.,

Defendant.

Lead Case No. 3:23-cv-03417-VC
Case No. 4:23-cv-06663

**AMENDED NOTICE OF DEPOSITION
PURSUANT TO FED. R. CIV. P. 30(b)(6) TO
META PLATFORMS, INC.**

Date: October 31, 2024
Time: 9:00 a.m., local time
Location: 44 Montgomery Street, 41st Floor
San Francisco, CA 94104

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that, in accordance with Rule 30(b)(6) of the Federal Rules
3 of Civil Procedure, Meta Platforms, Inc. (“Meta”) is hereby directed to designate one or more
4 officers, directors, managing agents, or other persons who consent to testify and are most
5 knowledgeable and competent to testify regarding the following topics and related or supporting
6 facts occurring between January 1, 2016 and the present (the “Relevant Period”):
7

8 1. Meta’s access to, identification of, assembly, processing, and/or curation of
9 datasets to train its Large Language Models, including Meta’s gathering of works,
10 including copyrighted works, from websites for potential use and/or use as data for
11 training, testing, validating, and/or benchmarking, including but not limited to
12 “shadow library” websites like Z-Lib, Library Genesis (“LibGen”), Bibliotik, and
13 Anna’s Archive.

14 2. Meta’s access, copying, reproduction and/or use of the datasets, including the
15 datasets commonly known as “Books3” (or “b3g”), “The Pile,” “LibGen,”, and the
16 “Fair Use Library”; the individuals who accessed or made these copies or
17 reproductions; the storage of these copies or reproductions; the content of these
18 datasets; and Meta’s communications with the creators of and/or individuals who
19 control or maintain these datasets.

20 3. The Meta LLMs trained on material and/or datasets obtained and/or accessed from
21 public websites, including any material sourced from “Books3,” “The Pile,” and
22 “Library Genesis,” and including how Meta trains subsequent versions of its LLMs
23 using earlier versions, whether Meta may or does remove training data from LLMs,
24 and whether Meta still accesses or otherwise uses these datasets for LLM training
25 purposes, or if not, why it no longer accesses or uses these datasets.

26 4. Meta’s knowledge that its LLM training datasets included copyrighted material,
27 including any discussions or deliberations regarding the same; any discussions,

1 deliberations, or efforts to mitigate potential copyright infringement relating to
2 Meta's LLMs; and any steps Meta has taken to train or otherwise program its LLMs
3 not to output infringing material.

4. Meta's policies and procedures regarding its adherence to any laws or regulations,
5 including the EU AI Act, that require transparency around the datasets used to train
6 AI models, require authorization from rightsholders for the use of the text and data
7 in training AI models, and require disclosure of the use of any copyrighted
8 materials to train an AI model.

9. All internal policies, including approval policies, relating to Meta's access and/or
10 use of datasets, including the "Books3," "The Pile," and "LibGen" datasets, for any
11 purpose relating to the development of Meta's AI technology.

12. The origin and contents of the datasets Meta has produced in this case, labeled
13 `Meta_Kadrey_Data_001`, `Meta_Kadrey_Data_002`, `Meta_Kadrey_Data_003`,
14 `Meta_Kadrey_Data_004`, and `Meta_Kadrey_Data_005`, including who identified
15 and compiled each dataset produced, and how each dataset produced has been used
16 by Meta in training each of its LLMs from Llama 1 through any Llama version
17 currently in development, including whether Meta accessed, obtained and/or
18 sourced the datasets at multiple points in time and, if so, when and for what
19 purpose.

20. Meta's communications including discussions, deliberations, and negotiations
21 concerning each and every dataset regardless of the source, type, or potential use
22 that may or could have been used in training generative AI products (whether or
23 not related only to Meta products) or for use in any other Meta AI product, other
24 than generative AI, including but not limited to, all such discussions referenced in
25 the April 6, 2024 *New York Times* article, "How Tech Giants Cut Corners to
26 Harvest Data for A.I." or the September 25, 2024 *The Verge* article and interview,
27 "Why Mark Zuckerberg thinks AR glasses will replace your phone." Some

1 examples that are obvious may include actual or potential licensing deals related to
2 Meta's AI assistant, or actual or potential licensing deals related to Meta's AI
3 instant video generator, regardless of whether they resulted in actual licensing
4 deals. This topic includes all communications related to these discussions,
5 deliberations, negotiations and or attempts by Meta or other generative AI
6 companies that may have been discussed by Meta that did not result in an executed
7 licensing agreement with a third party.

8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

9. Financial information about the Llama models' actual and expected revenue and
10 profit impacts, including Meta's understanding of the actual and expected financial
11 impact its AI technology will have on Meta's various commercial product lines,
12 including Facebook, Instagram, Facebook Reels, and WhatsApp.
10. The source code provided to Plaintiffs for review, including who compiled the
11 source code; what the source code consists of; any source code repositories used by
12 Meta's LLMs not captured by the production to date; the dates the source code was
13 created; how recently the source code has been updated; what LLM models the
14 source code covers; how the source code is organized; what models are used within
15 each version of Llama and what each of these models do; whether any Llama
16 model uses or incorporates different tools, including for web research, and if so,
17 what these tools do; differentiations between the model production system on the
18 web versus what Meta has shared in its public repositories; source code pertaining
19 to Meta's efforts to train its models to identify copyrighted material; whether there
20 are any pull requests or commits from certain date ranges that are not included in
21 the source code; whether the source code produced to date includes or omits
22 production or application code; and any of the issues raised in the October 4, 2024
23 Declaration of Dr. Jonathan Krein.
11. Meta's process for identifying and collecting documents in response to Plaintiffs'
12 RFPs, including data sources reviewed, non-custodial files reviewed, search terms

1 used, date ranges applied, metadata collection and capabilities concerning what
2 metadata may be collected, and Meta's policies and practices relating to labeling
3 internal documents "attorney-client privileged" or the equivalent.

4 12. The factual bases and any other supporting analysis for Meta's October 30, 2023
5 submission to the U.S. Copyright Office contending that its use of copyrighted
6 material to train its LLMs is either non-infringing or otherwise constitutes "fair
7 use."

8 13. Meta's current or future intention to carry out the guidance from Meta's CEO, Mark
9 Zuckerberg, that if content creators do not want their content used to train Meta's
10 LLMs, then Meta will stop training its LLMs on their content. This topic includes
11 the means and methods by which Meta would stop training its LLMs on certain
12 creators' content, how creators would opt-out, as well as any analysis Meta has
13 done regarding the effects an opt-out system would have on its LLMs, including
14 their efficacy.

1 Dated: October 8, 2024

2 By: /s/ David L. Simons

3 **BOIES SCHILLER FLEXNER LLP**

4 David Boies (*pro hac vice*)
5 David L. Simons (*pro hac vice*)
6 55 Hudson Yards, 20th Floor
7 New York, NY 10001
8 (914) 749-8200
9 dboies@bsflp.com
10 dsimons@bsflp.com

11 Maxwell V. Pritt (SBN 253155)
12 Joshua I. Schiller (SBN 330653)
13 Joshua M. Stein (SBN 298856)
14 44 Montgomery Street, 41st Floor
15 San Francisco, CA 94104
16 (415) 293-6800
17 mpritt@bsflp.com
18 jischiller@bsflp.com
19 jstein@bsflp.com

20 Jesse Panuccio (*pro hac vice*)
21 1401 New York Ave, NW
22 Washington, DC 20005
23 (202) 237-2727
24 jpanuccio@bsflp.com

25 Joseph R. Saveri (State Bar No. 130064) Cadio
26 Zirpoli (State Bar No. 179108)
27 Christopher K.L. Young (State Bar No. 318371)
28 Holden Benon (State Bar No. 325847)
Aaron Cera (State Bar No. 351163)
Margaux Poueymirou (State Bar No. 356000)

29 **JOSEPH SAVERI LAW FIRM, LLP**

30 601 California Street, Suite 1505 San
31 Francisco, California 94108
32 Telephone: (415) 500-6800
33 Facsimile: (415) 395-9940
34 Email: jsaveri@saverilawfirm.com
czirpoli@saverilawfirm.com
cyoung@saverilawfirm.com
hbenon@saverilawfirm.com
acera@saverilawfirm.com
mpoueymirou@saverilawfirm.com

35 Matthew Butterick (State Bar No. 250953) 1920
36 Hillhurst Avenue, #406
37 Los Angeles, CA 90027
38 Telephone: (323) 968-2632
39 Facsimile: (415) 395-9940
40 Email: mb@buttericklaw.com

1 Bryan L. Clobes (pro hac vice) **CAFFERTY**
2 **CLOBES MERIWETHER & SPRENGEL**
3 **LLP**
4 135 South LaSalle Street, Suite 3210
5 Chicago, IL 60603
6 Telephone: (215) 864-2800
7 Email: bclobes@caffertyclobes.com
8 asweatman@caffertyclobes.com

9 Daniel J. Muller (State Bar No. 193396)
10 **VENTURA HERSEY & MULLER, LLP**
11 1506 Hamilton Avenue San
12 Jose, California 95125
13 Telephone: (408) 512-3022
14 Facsimile: (408) 512-3023
15 Email: dmuller@venturahersey.com

16 Seth Haines*
17 Timothy Hutchinson*
18 Lisa Geary*
19 **RMP, LLP**
20 5519 Hackett Street, Suite 300
21 Springdale, Arkansas 72762
22 Telephone: (479) 443-2705
23 Email: shaines@rmp.law

24 David A. Straite (*pro hac vice*)
25 **DICELLO LEVITT LLP**
26 475 Lexington Avenue, Suite 1001
27 New York, NY 10017
28 Telephone: (646) 933-1000
Email: dstraite@dicellosevitt.com
thutchinson@rmp.law
lgeary@rmp.law

29 Scott Poynter*
30 **POYNTER LAW GROUP**
31 407 President Clinton Avenue, Suite 201
32 Little Rock, Arkansas 72201
33 Telephone: (501) 812-3943
34 Email: scott@poynterlawgroup.com

35 Brian O'Mara
36 **DICELLO LEVITT LLP**
37 4747 Executive Drive, Second Floor
38 San Diego, California 92121
39 Telephone: (619) 923-3939
40 Email: bomara@dicellosevitt.com

David A. Straite (*pro hac vice*)
DiCELLO LEVITT LLP
475 Lexington Avenue, Suite 1001
New York, NY 10017
Telephone: (646) 933-1000
Email: dstraite@dicelloselevitt.com

Adam J. Levitt
Amy E. Keller*
Nada
Djordjevic*
James A.
Ulwick*

DICELLO LEVITT LLP
Ten North Dearborn Street, Sixth Floor
Chicago, Illinois 60602
Telephone: (312) 214-7900
Email: alevitt@dicelloselevitt.com
akeller@dicelloselevitt.com
ndjordjevic@dicelloselevitt.com
julwick@dicelloselevitt.com

Counsel for Individual and Representative Plaintiffs and the Proposed Class

CERTIFICATE OF SERVICE

I, the undersigned, am employed by Boies Schiller Flexner LLP. My business address is 55 Hudson Yards, New York, NY 10001. I am over the age of eighteen and not a party to this action.

On October 8, 2024, I caused the following documents to be served by email upon the parties listed on the attached Service List:

AMENDED NOTICE OF DEPOSITION PURSUANT TO FED. R. CIV. P.

30(b)(6) TO META PLATFORMS, INC.

I declare under penalty of perjury that the foregoing is true and correct. Executed
September 16, 2024, at New York, New York.

By: *s/ David L. Simons*

SERVICE LIST

1 Bobby A. Ghajar
2 Colette Ani Ghazarian
3 COOLEY LLP
4 1333 2nd Street, Suite 400
Santa Monica, CA 90401
Email: bghajar@cooley.com
cghazarian@cooley.com

5 Kathleen R. Hartnett
6 COOLEY LLP
7 3 Embarcadero Center, 20th Floor
San Francisco, CA 94111-4004
Email: khartnett@cooley.com

8 Judd D. Lauter
9 COOLEY LLP
10 3175 Hanover Street
Palo Alto, CA 94304
Email: jlauter@cooley.com

11 Mark Alan Lemley
12 LEX LUMINA PLLC
13 745 Fifth Avenue, Suite 500
New York, NY 10151
Email: mlemley@lex-lumina.com

14 Angela L. Dunning
15 CLEARY GOTTLIEB STEEN &
HAMILTON LLP
16 1841 Page Mill Road
Palo Alto, CA 94304-1254
17 Email: adunning@cgsh.com

18 *Counsel for Defendant
Meta Platforms, Inc.*